

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
JOSE FIGUEROA,

Plaintiff,

-against-

ZOOT SPORTS, INC.,

Defendants.  
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<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> DOC #: _____ DATE FILED: <u>7/22/2019</u>
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19-CV-3160 (VSB)


**ORDER**VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on April 9, 2019, (Doc. 1), and filed an affidavit of service on April 15, 2019, (Doc. 5). The deadline for Defendant to respond to Plaintiff's complaint was May 2, 2019. (*See id.*) As of June 2, 2019, Defendant had not appeared or responded to the complaint. Plaintiff, however, had taken no action to prosecute the case. Accordingly, on June 2, 2019, I entered an order directing Plaintiff to seek a default judgment in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases ("Individual Rule 4(H)") by no later than June 17, 2019. (*See* Doc. 6.) I warned Plaintiff that failure to do so or otherwise demonstrate that he intends to prosecute this litigation could result in dismissal of the action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (*Id.*) Individual Rule 4(H) states that a "Plaintiff seeking a default judgment must proceed by way of an order to show cause pursuant to the procedure set forth in Attachment A." Attachment A describes in detail the nine steps required a Plaintiff must take when seeking a default judgment. Although Plaintiff sought and obtained a Certificate of Default in accordance with Step 1 of Attachment A, he has taken no other action to seek a default judgment against Defendant. The deadline to complete the process outlined in Attachment A was June 17, 2019. Accordingly, it is hereby:

ORDERED that this action is dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: July 22, 2019  
New York, New York



Vernon S. Broderick  
United States District Judge